

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
KEVIN DAVIS,

Plaintiff,

-v.-

WARDEN ROBERT SHAW, et al.,

Defendants.
-----X

**ORDER FOR CONFERENCE
PURSUANT TO RULE 16(a)**

07 Civ. 7706 (JSR)(FM)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/6/08</u>
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**FRANK MAAS
UNITED STATES MAGISTRATE JUDGE.**

This action is scheduled for a telephone initial case management conference in accordance with Fed. R. Civ. P. 16(a), on March 6, 2008, at 11:00 a.m. Counsel for the City of New York shall arrange for the plaintiff's appearance via the telephone, and shall initiate the call using the main number for Judge Maas' chambers which is (212) 805-6727.

AT THE CONFERENCE, the parties must be prepared to discuss the subjects set forth in subdivisions (b) and (c) of Rule 16.

THREE BUSINESS DAYS PRIOR TO THE CONFERENCE, the parties shall submit a proposed Scheduling Order to the Court in WordPerfect format. The proposed order is to be e-mailed to maasnysdchambers@nysd.uscourts.gov, and shall contain the following:

1. the date of the conference and the appearances for the parties; including the individual attorney's name, the law firm's name, the party(ies) represented, business address, and business phone number;
2. a concise statement of the issues as they then appear;


3. a schedule including:
 - a. the names of persons to be deposed and a schedule of planned depositions;
 - b. a schedule for the production of documents;
 - c. dates by which (i) each expert's report* will be supplied to the adversary, and (ii) each expert's deposition will be completed;
 - d. a date prior to the conclusion of discovery when a telephonic status conference with counsel to the parties and the Court will be held;
 - e. a date when discovery is to be completed;
 - f. a date following the conclusion of discovery when a settlement conference will be held;
 - g. the date by which pretrial motions, if any, will be filed;
 - h. the date by which plaintiff(s) will supply pretrial order materials to defendant(s);
 - i. the date by which the parties will submit a joint pretrial order, which should be in accordance with procedures of the judge before whom the trial will be conducted; and
4. a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;
5. a statement of any issues relating to electronically-stored information or the forms in which it is to be produced;

*Each expert's report is to set forth not merely the expert's qualifications and conclusions, but also the facts on which the expert relies and the process of reasoning by which the expert's conclusions are reached.

6. a statement of any other discovery issues as to which counsel, after a good faith effort, were unable to reach an agreement;
7. anticipated fields of expert testimony, if any;
8. anticipated length of trial and whether, and by whom, a jury has been requested;
9. an acknowledgment that courtesy copies of all motion papers, marked as such, should be submitted to Chambers, even if the papers have been filed electronically.
10. a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;
11. provision for approval of the Court and signature line for the Court; and Plaintiff's counsel is further directed to send a copy of the proposed Scheduling Order, via facsimile, to the undersigned United States Magistrate Judge, at (212) 805-6724, at least two business days before the scheduled conference.

SO ORDERED

Dated: New York, New York
February 6, 2008



FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable Jed S. Rakoff
United States District Judge

Kevin Davis
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Via Certified Mail

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